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C O N F I D E N T I A L SECTION 01 OF 03 PORT AU PRINCE 001546

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E.O. 12958: DECL: 09/21/2017  
TAGS: [PGOV](#) [PREL](#) [KDEM](#) [HA](#)  
SUBJECT: PRESIDENT, SENATE PROPOSE ELECTIONS "PAUSE"

REF: PORT AU PRINCE 1533

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Classified By: Ambassador Janet A. Sanderson for reasons 1.4 (b) and (d).

11. (C) Summary: President Preval and Senate President Joseph Lambert are seeking support from Haitian political parties and institutions and the international community for a plan to put off elections for two years and to rework the Haitian constitution. Preval and Lambert, citing the cumbersome and expensive elections cycle, hope to build broad consensus among Haitians -- from civil society to students to business leaders -- that this change is needed. The plan is still tentative, and neither leader appears to have thought fully through the implications of their plan. Lambert backtracked partially when told the USG is ready to help finance upcoming Senate elections and appeared stymied by preliminary questions about the plan from the Ambassador. They both say the plan will not proceed without support from the international community. Although the elections cycle and the Haitian Constitution do need reform, this extra-constitutional solution contains many hazards for this tender democracy. Preval and Lambert are looking for a strong signal from the international community and especially the United States. Preval suggested a six-week breathing space from the international community for him to build domestic consensus. Based on what we know thus far, we believe the risks of this proposal outweigh the advantages. End Summary.

Preval: Postpone Elections, Change the Constitution

12. (C) The Ambassador and her Canadian, Brazilian, and French counterparts sought a meeting September 19 with President Preval to discuss the long delayed preparations for Senate and indirect elections. Preval unexpectedly unveiled a proposal which puts the entire electoral cycle on hold for two years and begins the drafting of a new constitution. Preval said the plan originated with Senate President Lambert and resulted from the two leaders' strong belief that Haiti could neither finance nor organize the nine or so constitutionally mandated elections of various government bodies through February 2011. Although many details were unclear, what Preval called the "Lambert plan" would extend in place all senators until 2012, giving all incumbents a six-year term. (Note: One-third of the senators were elected to two-year terms and are currently up for re-election. End note.) In the meantime, the government would look to drafting a new constitution. The new constitution would, inter alia, synchronize the election calendar, setting one general election every five or six years, and end Haiti's staggered elections that are logistically and financially so burdensome. Preval stressed that he intends to leave office on February 7, 2011. However, later in the conversation, he said he would not be adverse to staying on until 2013, "...if it made sense, but that is not my current plan."

13. (C) Preval stressed that this proposal is preliminary and fully dependent on developing a broad consensus with political parties, civil society, the private sector, and key

organizations such as the church. He said it will not proceed without endorsement from the international community.

Preval told the Ambassadors that the consultation process is already underway: he met with some senior political leaders the previous day and would meet with Fusion and OPL on Sept. 21. Preval believes that the parties - with the exception of Lavalas - will be supportive; he said the parties have come to realize that they will not be able to win big in forthcoming elections and are looking for a way to reorganize and refinance them. He also believes the Haitian people will support this plan. Preval suggested that the international community give him six weeks breathing room for him to build this domestic consensus.

14. (C) All the Ambassadors expressed strong concern about

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how this plan would affect the development of key Haitian democratic institutions. They raised specific questions about timelines, deadlines for discussion and development of consensus, and possible alternatives. The Ambassador noted that the proposal could open a political Pandora's Box for Haiti and undermine rebuilding efforts in other key areas, particularly in the economy. Ambassador Paulo Cordeiro (Brazil) told Preval at the close of the meeting that his government was there to support Preval, and if he was able to develop a consensus at home, Brasilia would not take issue with the plan. Ambassador Claude Boucher (Canada) was more nuanced, but he told Ambassador Sanderson later that he believes Preval and Lambert should be given room to try to get the nation on board. Brazilian Foreign Minister Celso Amorim told the Ambassador during a short September 21 visit to Haiti that he was withholding judgment pending examination of the details. However, after the international community had invested so much into getting Haiti this far, he does not want to upset Haiti's record of election success or to undermine government legitimacy.

Senator Lambert: We Want Your Support

15. (C) The Ambassador called on President of the Senate Joseph Lambert on September 21. Seven other Senators were also present. Lambert led off by declaring that the frequency of elections in Haiti was becoming a source of instability, dividing the country, political parties, and even families. Haiti, he claimed, also lacked the resources to fund them. Repeating Preval's proposal, Lambert said he believes the Parliament and the Executive can reach consensus and, with the support of the international community, pass a law to delay all parliamentary and local elections, perhaps until 2011. With yet another election now looming -- to renew one-third of the Senate -- the solution is extend the terms of current officials up for reelection, and then hold all elections, including the presidential election, at the same time. His top priorities, he said, are stability, along with progress and development. This includes convoking a "constituent assembly" to draft a new constitution. Like Preval, Lambert stressed the need to consult with unions, students, and other social organizations, as well as the importance of buy-in from the international community.

16. (C) The Ambassador questioned the constitutionality of such a plan, and noted that upsetting the constitutional framework could negatively affect other aspects of Haiti's development such as the economy. Lambert pointed to Article 95 of the 1987 Constitution, which states, "Senators are elected for six years and are eligible indefinitely." He reiterated some of the challenges posed by the upcoming senatorial elections, saying that the Provisional Electoral Council (CEP) mandate does not include the senatorial or indirect elections. A new provisional CEP will be needed. He also said that if one-third of the senators leave office, leaving the Senate with just 19 members (Note: one Senator has died and no by-election to fill his seat has been held. End note) garnering the 16 members needed for a quorum would be difficult and the Senate could easily become legally non-functional ("caduque").

17. (C) While refraining from passing judgment on the proposal at this time, the Ambassador emphasized that despite the difficulties of frequent elections, elections are an essential aspect of Haiti's march toward democracy. Haiti has recently conducted three of them successfully, and these have been the foundation of the legitimacy of Haiti's government. She also expressed strong concern that this appeared to be an open-ended process, and asked if the Senate would propose specific timelines. The Ambassador argued that this plan would "change the rules of the game" after citizens had put their trust in their elected officials, and would only compound Haiti's long history of governance problems. Haiti needs a new political tradition that includes the open, transparent transfer of power and

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adherence to the Constitution.

18. (C) Lambert asked how Haiti can have elections and stand up a new CEP, or somehow empower the existing CEP, and also come up with financing, to hold the elections for one-third of the Senate. The Ambassador stated that the USG has USD 4 million set aside for elections, and other donors are prepared to give money as well. (Note: Lambert and the other Senators appeared surprised by this statement, although Lambert has been told this before. End note.) Retreating somewhat from his earlier arguments, Lambert said this was good news, and noted that the Senate had just heard from former CEP Director General Jacques Bernard that it is still possible to have Senate elections by the end of 2007. The Ambassador emphasized that to fund these elections, the USG needs to see a timeline and a GOH election budget, so that we have some assurance that the elections will indeed be held. Senator Evelyn Cheron (Fanmi Lavalas, West Department) pressed the Ambassador on the question of financing, asking whether the international community would continue to fund elections if they occurred every two years. The Ambassador responded that lack of funding is an insufficient excuse to cancel elections. Lambert conceded that point.

19. (C) The Ambassador agreed to return to the Senate on September 24 with her counterparts from Canada, Brazil and France in order to continue the discussion.

CEP Unraveling?

10. (C) Meanwhile, the President continues to attack the provisional CEP. In his September 19 meeting with the Ambassadors, Preval took serious issue with the current CEP and noted that some members are under investigation for fraud. Preval met with eight of the nine CEP counselors on September 18, but Counselor Pierre-Richard Duchemin told Poloff September 19 that the President did not resolve any outstanding questions. Preval told the counselors he is working to build consensus around the elections issue and his next step is to get Parliament's input. He also brought up accusations of corruption against the CEP. Haitian newspapers reported on September 20 that Chief Prosecutor Claudy Gassant was planning to call in CEP counselors for questioning about the accusations against them; Preval noted that audits had uncovered possible misuse of funds.

Comment

11. (C) In and of itself, Preval and Lambert are correct that the elections calendar is cumbersome and the constitution unworkable in key areas. However, a two-year "pause" on elections -- and even more so, attempting to reshape significantly the constitution during that period -- could undermine the delicate political and social consensus that has emerged in Haiti since Preval's election. The vague and open-ended nature of the Preval/Lambert consensus building plan compounds our concerns. Subverting the calendar of elections that have given Preval and the legislature their legitimacy could put this tender democracy on a long and slippery slope. Given what we know at this point, it appears to us that the risks of the Preval/Lambert plan outweigh the possible benefits.

SANDERSON